




SIGNED this 6th day of January, 2021.

  
BENJAMIN A. KAHN  
UNITED STATES BANKRUPTCY JUDGE

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
WINSTON-SALEM DIVISION

IN RE:  K&W CAFETERIAS, INC.,  DEBTOR	CASE NO. 20-50674 CHAPTER 11
CONSENT ORDER GRANTING MOTION FOR RELIEF FROM AUTOMATIC STAY TO PERMIT LITIGATION AGAINST DEBTOR WITH RECOVERY LIMITED SOLELY TO INSURANCE PROCEEDS	

This matter came before the Court upon the *Motion for Relief from Automatic Stay to Allow Petitioner to Proceed with Pending Litigation* (Dkt. No. 281) (the “Motion”) filed by Linda Barlow (the “Movant”). The Motion seeks relief from the automatic stay to pursue certain personal injury litigation, provided that such litigation will seek recovery solely from available insurance proceeds and the Movant “will not pursue any property of the estate in the event that any verdict extends beyond the insurance coverage.” Based upon the Motion, the consent of the Debtor and the Movant, and the entire official record, the Court hereby ORDERS as follows:

1. The Motion is granted to the extent provided herein.

2. The Movant is hereby granted relief from the automatic stay to proceed with the negligence lawsuit currently pending in the United States District Court for the Western District of Virginia, Case No. 7:20 -cv-00177.

3. In the event that any judgment in favor of the Movant exceeds the available insurance coverage, the Movant shall have no claim against the bankruptcy estate or property of the bankruptcy estate.

CONSENTED TO:

/s John Paul H. Cournoyer  
*Counsel for the Debtor*

/s John P. Fishwick, Jr.  
*Counsel for the Movant*

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NOTICE LIST:

CM/ECF Parties Only